

**REMARKS/ARGUMENTS**

Claims 1-41 are pending in the application; the status of the claims is as follows:

Claims 1-9 are withdrawn from consideration.

Claims 16-38 are allowed.

Claims 10 and 39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,263 B1 to Suzuki ("Suzuki").

Claims 11 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 5,734,427 to Hayashi ("Hayashi").

Claims 12-14, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of U.S. Patent No. 5,990,949 to Haruki ("Haruki").

**35 U.S.C. § 102(e) Rejection**

It is axiomatic that a reference anticipates a claim only if the reference discloses each and every element of the claim. The rejection of claims 10 and 39 under 35 U.S.C. § 102(e) as being anticipated by Suzuki, is respectfully traversed because Suzuki fails to disclose each and every element of the subject claims.

Claims 10 and 39 are directed to a camera in which image data is processed differently depending on whether the image data is for preview purposes or is to be recorded. During preview, e.g., when the camera's shutter button is half-pressed, image processing is optimized for rapidly displaying an accurate image to the camera's display, e.g., an LCD screen. This processing includes interpolating the image data to obtain data

suitable in size, color, brightness, etc. for accurate reproduction on the display. However, during image capture, e.g., when the shutter button is fully depressed, the image data processing needs are different, and the image data is interpolated differently.

These aspects of the invention are present in claim 10, for example, which recites:

“an interpolating portion for executing interpolation of pixels constituting image data, the interpolating portion executing a first interpolation when displaying by the display unit while executing a second interpolation different from the first interpolation when recording by the recorder . . . .”

The language of the claim clearly requires that the interpolating portion performs one type of interpolation on data from the imaging device when the image is to be displayed by the display unit, e.g., during preview, but performs a second type of interpolation on data from the imaging device when recording the image, e.g., during image capture.

In contradistinction, Suzuki discloses a camera that captures image data with a CCD, processes the image data, and then records the processed image to an IC memory card. The apparatus includes a mode switch, that puts the camera in a PC mode or a camera mode. When the camera is in the PC mode, the image data is interpolated to match the resolution and aspect ratio of a typical PC display. The interpolated image data is then recorded to the memory card. However, when in the camera mode, **no interpolation is performed**. See column 5, lines 4-19.

A PC monitor typically has more lines of resolution and a different aspect ratio than an NTSC monitor. To compensate, the Suzuki device “interpolates” image data when recording data for display on a PC by inserting data corresponding to one extra line of image data for every five lines. When playing back image data for display on an NTSC monitor that was recorded for display on PC, the extra data lines cause the image to be distorted. Suzuki discloses this is corrected by performing an “inverse interpolation,” by omitting the inserted lines, when displaying the image data on an NTSC monitor. See column 5, lines 60-66. The Office Action states that this represents a second interpolation,

different from the interpolation described above. Clearly, Suzuki's "inverse interpolation" of Suzuki is not the second interpolation of claim 10.

Moreover, claim 10 requires that the interpolation be performed on data transferred from the imaging device:

"a recorder for recording image data transferred from said imaging device into a specified medium;

"a display unit for displaying the image data transferred from said imaging device;

In the Suzuki device, data from the imaging device is subject to a first interpolation when saving the image data in PC mode and image data stored in PC mode is subject to an inverse interpolation when the data is retrieved from a memory card for display. Thus, Suzuki discloses applying the inverse interpolation to image data from the memory card and not from the imaging device.

With regard to claim 39, the language of the claim analogously requires a method that performs "a varied interpolating process depending on whether the captured image is to be displayed or recorded." Specifically, "a first interpolating process is executed when displaying," and "a second interpolating process different from the first interpolating process is executed when recording." It is respectfully submitted that Suzuki fails to disclose the claimed method.

Accordingly, it is respectfully requested that the rejection of claims 10 and 39 under 35 U.S.C. § 102(e) as being anticipated by Suzuki, be reconsidered and withdrawn.

**35 U.S.C. § 103(a) Rejections**

The rejection of claims 11-15 and 40-41 under 35 U.S.C. § 103(a), as being unpatentable over Suzuki, either alone or in view of Hayashi or Haruki, is respectfully traversed because the references fail to disclose, teach, or suggest all elements of the claims in question. Specifically, Suzuki fail to suggest a device or method in which a first

Application No. 09/100,799  
Response dated March 4, 2004  
Reply to Office Action of December 4, 2003

interpolation is performed when displaying the image data and a second, different, interpolation is performed when recording the image data. The other references also fail to provide the requisite teaching. Accordingly, it is respectfully requested that the rejection of claims 11-15 and 40-41 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

### **CONCLUSION**

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Response does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

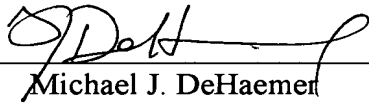
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

Application No. 09/100,799  
Response dated March 4, 2004  
Reply to Office Action of December 4, 2003

and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's  
Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By:   
Michael J. DeHaemer  
Registration No. 39,164  
Attorney for Applicant

MJD/lb:jjk:bar  
SIDLEY AUSTIN BROWN & WOOD LLP  
717 N. Harwood, Suite 3400  
Dallas, Texas 75201  
Direct: (214) 981-3335  
Main: (214) 981-3300  
Facsimile: (214) 981-3400  
March 4, 2004

DA1 284221v6